

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

11 SANTA CRUZ EMPACADORA,
S. de R.L. de C.V., a Mexican business entity,
12 Plaintiff,
13 v.
14 R.B. PACKING OF CALIFORNIA, INC., a
California Corporation, AGROBIONOVA,
15 S.A.de C.V., a Mexican business entity,
TANIMURA DISTRIBUTING, INC., a
16 California corporation, and OMAR DIAZ, an
Individual,
17 _____
18 AND RELATED CROSS-ACTIONS

) CIVIL NO. 00CV01217(AJB)
)
) **ORDER DENYING ALL PENDING**
) **MOTIONS IN LIMINE AS MOOT;**
) **VACATING TRIAL DATE;**
) **DISMISSING ACTION WITH**
) **PREJUDICE [FRCP 41(a)(1)]**
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) Hon. Anthony J. Battaglia
) Ctrm: A
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20 The following Motions in Limine, pending before Magistrate Judge Battaglia, are hereby
21 DENIED as moot in light of the settlement of the case:

- 22 1) Motion in Limine to Exclude the testimony of Karen Kaseno [Docket No. 345];
23 2) Motion in Limine to Strike Plaintiff's Amended Complaint, for Order Deeming
24 Court-approved Proposed Amended Complaint as filed [docket No. 347];
25 3) Third Motion in Limine Regarding Evidence on Price After Sale Transactions and
26 Damages [Docket No. 357];
27 4) Fourth Motion in Limine Regarding Evidence of Alleged Inadequate Disclosure
28 in Violation of PACA [Docket No. 358];

- 1 5) Motion to Exclude the Expert Testimony of Francisco Acero, Alfonso Garcia and
2 Roberto Trevino [Docket No. 359];
3 6) Motion to Exclude the Expert Testimony of Jose Luis Rocha [Docket No. 360];
4 7) Motion to Exclude the Expert Testimony of Christopher Linscott [Docket No.
5 361]; and,
6 8) Motion to Exclude the Expert Testimony of Byron White [Docket No. 362].

7 The Motion in Limine hearing date set for November 17, 2006 and the trial date set for
8 December 4, 2006 are hereby VACATED. The above captioned action is hereby dismissed in its
9 entirety with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1).

10 IT IS SO ORDERED.

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12 **DATED: November 17, 2006**

13 
14 Hon. Anthony J. Battaglia
15 U.S. Magistrate Judge
16 United States District Court

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